

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW BRADLEY,

Plaintiff,

SCHEDULING ORDER
07 CV 9539 (SAS)(THK)

-against-

ESPERANZ ZAMORA and MICHAEL
DEPITRI, employees of the New York
City Police Department,

Defendants.

-----x
SCHEINDLIN, U.S.D.J.

WHEREAS, the Court issued an Order for a Conference in accordance with
Fed.R.Civ.P. 16 (b) on November 27, 2007 (the "Order"); and

WHEREAS, the Order requires that the parties hereby submit the following
information as required by the Order:

(1) The initial pretrial conference was held on December 18, 2007. Appearing
for plaintiff was Matthew Flamm, 26 Court Street, Brooklyn, New York
11242, (718) 797-3117. Appearing for defendant DePitri is Michael A.
Cardozo by Brian Maxey, Assistant Corporation Counsel, New York City
Law Department, 100 Church Street, New York, New York 10007, (212) 788-
0987. Defendant Zamora, who is no longer employed by the City of New
York, had not yet been served as of December 18, 2007.

(2) Concise statement of the issues as they now appear:

Whether the force used in arresting Mr. Bradley was unreasonable.

Whether the individual defendants are entitled to qualified immunity.

(3) Discovery Schedule:

(a) The names of persons to be deposed and a schedule of planned
depositions: Matthew Bradley, Esperanz Zamora, Michael DiPitri.
Non-party witness testimony to be determined as discovery moves
forward. Testimony is to be taken beginning in March 2008.

MAK
ACM

- (b) Schedule for the production of documents: Initial discovery demands shall be served no later than January 18, 2008, with responses served no later than thirty days thereafter.
- (c) dates by which expert reports will be supplied to the adverse side and expert depositions will be completed: Plaintiffs' disclosures by April 18, 2008; defendants' disclosures by May 19, 2008; expert discovery completed by June 16, 2008.
- (d) All discovery is to be completed by June 16, 2008;
- (e) Plaintiff shall supply its pre-trial order matters to defendant by July 18, 2008.
- (f) The parties shall submit by ~~August 15, 2008~~ ^{at July 18, 2008} a pretrial order in a form conforming with the Court's instructions together with trial briefs, proposed voir dire questions and proposed jury instructions;
- (g) The final pre-trial conference pursuant to Fed. R. Civ. P. 16 (d) shall be held on Mar 13 at 4:30.

(4) Limitations to be placed on discovery, including any protective or confidentiality orders.

The parties expect to agree to a confidentiality order governing the disclosure and use of personnel and disciplinary records.

(5) Those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement.

The parties do not agree on the scope of disclosure of personnel and disciplinary records.

(6) Anticipated fields of expert testimony, if any.

Plaintiff expects to offer medical testimony regarding the nature, extent and cause of plaintiff's physical injuries.

Defendants expect to offer medical testimony regarding the nature, extent and cause of plaintiff's physical injuries.

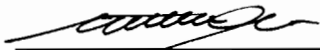
(7) Anticipated length of trial and whether to court of jury.

The parties expect trial to the Jury to last 4-5 days.

- (8) This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

Dated: New York, New York
December 18, 2007

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant Michael Dipitri

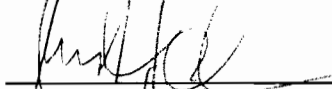


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Brian Maxey **BM 0451**
Assistant Corporation Counsel
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(212) 788-0987

SO ORDERED:



U.S.D.J.

12/18/07